

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 13000 PERMIT 8285 LICENSE 5796

**ORDER CORRECTING SOURCE, RELOCATION AND DELETION OF POINTS OF DIVERSION**

**WHEREAS:**

1. License 5796 was issued to Olive Percy Davis, et al and was recorded with the County Recorder of Colusa County on October 23, 1959 in Document 2342, Book 272, Page 370.
2. License 5796 was subsequently assigned to Olive Percy Davis Trust, et al.
3. The USGS (7½') Quadrangle Map - Arbuckle shows the source being on an unnamed drain (AKA Glen-Colusa Ditch) tributary to Colusa Trough (AKA Reclamation District 2047 Main Canal) thence Sacramento River.
4. A petition to relocate Point of Diversion No. 1 and delete Point of Diversion No. 2 has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change have been shown.
5. The Board has determined that the petitioned changes do not constitute the initiation of new right nor operate to the injury of any other lawful use of water.
6. The license condition pertaining to the continuing authority of the Board does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The condition of the license regarding the source be corrected to read as follows:

Unnamed drain (AKA Glen-Colusa Ditch) tributary to Colusa Trough  
(AKA) Reclamation District 2047 Main Canal) thence Sacramento River.

2. The condition of the license regarding the Point of Diversion No. 1 is amended to read as follows:

South 100 feet and East 100 feet from NW corner of Section 31, T15N, R1W, MDB&M being within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 31, also described as California Coordinate System, Zone 2, N 527,350 and E 1,994,000.

Point of Diversion No. 2 has been deleted due to non use.

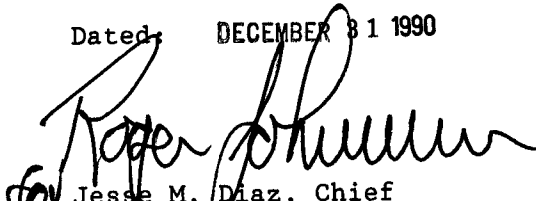
3. The continuing authority in License 5796 be replaced by the following:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: DECEMBER 31 1990

  
for Jesse M. Diaz, Chief  
Division of Water Quality  
and Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13000

PERMIT 8285

LICENSE 5796

THIS IS TO CERTIFY, That

Olive Percy Davis, et al.  
Sycamore  
California

Notice of Assignment (Over)

have made proof as of May 26, 1959  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Main Canal of Reclamation District No. 2047 in Colusa County  
tributary to Sacramento River

for the purpose of irrigation use  
under Permit 8285 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from March 25, 1949  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed five (5) cubic feet per  
second to be diverted from about April 1 to about October 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be  
diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are located:

- (1) South eighty-one degrees thirty minutes east ( $S81^{\circ}30'E$ ) nine hundred ten (910) feet from NW corner of Section 31, T15N, R1W, MDB&M, being within  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$  of said Section 31.
- (2) South eighty-seven degrees no minutes east ( $S87^{\circ}00'E$ ) nine hundred (900) feet from SW corner of Section 30, T15N, R1W, MDB&M, being within  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$  of Section 31, T15N, R1W, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

Irrigation of 191 acres within a gross area of 206.3 acres consisting of 46 acres within Section 6, T14N, R1W, MDB&M and 145 acres within Section 31, T15N, R1W, MDB&M, as shown on map filed with State Water Rights Board.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: OCT 22 '59

L. K. Hill  
L. K. Hill  
Executive Officer

1/21/66 Name of Fred T. Roseberry Jr. changed to  
Estate of  
1-13-71 Name changed to Estate  
of Olive Percy Davis

12-4-78 Records Chge to show as owners: Olive Percy Davis Trust,  
Ruth R. Kramer, Marion R. Klevin, Anna D. Propp, Eleanor  
Ferguson, Winifred McCue, Ramona Davis, Alfred S. Davis,  
Lenise D. Kaveney, John D. Kramer, Roy W. Kramer, Jr.,  
Louise K. Litz, Judith K. Schluchter, Mary Louise Fitzgerald,  
Priscilla D. Mack, Heidi Ann Vinsonhale, Winifred  
Lewis, Mary Ann Kirsten, Carolyn Cielner, Barbara Liebert,  
Robert D. Ferguson, Norman D. McCue & Claudia Brown  
5-13-99 Added to Davis Ranches;

LICENSE 5796  
STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Olive Percy Davis, et al.

DATED OCT 22 '59

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